

Sep 30, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
22-20470-CR-SCOLA/GOODMAN
Case No. _____

18 U.S.C. § 1349
18 U.S.C. § 982

UNITED STATES OF AMERICA

vs.

CHRISTOPHER DANIEL BURCEL,

Defendant.

/

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

Commercial Insurance

1. United Healthcare (“United”) was a commercial insurer which offered health insurance to individuals through employer-sponsored group plans.
2. United was a “health care benefit program” as defined in Title 18, United States Code, Section 24(b).
3. United often made payments directly to health care providers, rather than to the beneficiary who received the health care benefits, items, and services. This occurred when the provider accepted assignment of the right to payment from the beneficiary.
4. To obtain payment for treatment or services provided to a beneficiary, health care providers had to submit itemized claim forms to United. The claim forms required certain

important information, including: (a) the beneficiary's name and Health Insurance Claim Number or other identification number; (b) a description of the health care benefit, item, or service that was provided or supplied to the beneficiary; (c) the billing codes for the benefit, item, or service; (d) the date upon which the benefit, item, or service was provided or supplied to the beneficiary; and (e) the name of the referring physician or other health care provider, as well as a unique identifying number, known either as the Unique Physician Identification Number ("UPIN") or National Provider Identifier ("NPI").

5. When a provider submitted a claim form to United, the provider certified that the contents of the form were true, correct, complete, and that the form was prepared in compliance with the applicable laws and regulations concerning the submission of health care claims. The provider also certified that the services being billed were medically necessary and were, in fact, provided as billed.

The Defendant, a Related Individual, and a Related Entity

6. Mobile Diagnostic Imaging, Inc. ("MDI") was a Florida corporation located at 12555 Orange Drive in Davie, Florida. MDI purported to be a medical clinic that provided commercial insurance beneficiaries with various medical treatments and services, including antigen therapy services.

7. Co-Conspirator 1 was a resident of Monroe County, Florida, and the owner, operator, and registered agent of MDI.

8. Defendant **CHRISTOPHER DANIEL BURCEL** was a resident of Broward County, Florida.

**Conspiracy to Commit Health Care Fraud
(18 U.S.C. § 1349)**

From in or around October 2014, and continuing through in or around July 2016, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

CHRISTOPHER DANIEL BURCEL,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with others known and unknown to the United States Attorney, to commit an offense against the United States, that is, to knowingly and willfully execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, United, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

PURPOSE OF THE CONSPIRACY

9. It was a purpose of the conspiracy for the defendant and his co-conspirators to unlawfully enrich themselves by, among other things: (a) offering and accepting kickbacks to induce the referral of United beneficiaries to MDI so that MDI could bill United; (b) submitting and causing the submission of false and fraudulent claims to United; (c) concealing the payment of kickbacks and the submission of false and fraudulent claims to United, and the receipt and transfer of fraud proceeds; and (d) diverting the fraud proceeds for their personal use and benefit, and the use and benefit of others, and to further the fraud.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and his co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

10. **CHRISTOPHER DANIEL BURCEL** accepted kickbacks from Co-Conspirator 1 in exchange for referring United beneficiaries to MDI to be used to submit false and fraudulent health care insurance claims to United by MDI.

11. As a result of these kickbacks, Co-Conspirator 1 and his co-conspirators submitted and caused MDI to submit approximately \$1,919,850 in claims to United which falsely and fraudulently represented that various health care benefits, primarily antigen therapy services, had been provided by MDI to beneficiaries of United.

12. As a result of such false and fraudulent claims, United made payments to MDI, through its corporate bank accounts, in the approximate amount of \$635,230.

13. **CHRISTOPHER DANIEL BURCEL**, Co-Conspirator 1, and other co-conspirators used the proceeds of the health care fraud, and the kickback payments generated by that fraud, for their personal use and benefit, the use and benefit of others, and to further the fraud.

All in violation of Title 18, United States Code, Section 1349.

FORFEITURE
(18 U.S.C. § 982)

1. The allegations contained in this Information are hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of certain property in which the defendant, **CHRISTOPHER DANIEL BURCEL**, has an interest.

2. Upon conviction of a conspiracy to violate Title 18, United States Codes, Section 1347, as alleged in this Information, the defendant shall forfeit to the United States any property,

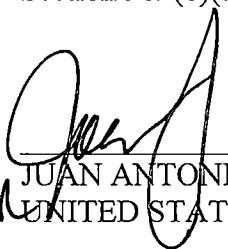
real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such violation, pursuant to Title 18, United States Code, Section 982(a)(7).

3. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendant,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property and, in addition, to seek a court order requiring the defendant to return any such property to the jurisdiction of the court for seizure and forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(7) and the procedures set forth at Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1).


R JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY


MICHAEL B. HOMER
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CHRISTOPHER DANIEL BURCEL,

Defendant. /

CASE NO. _____

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division: (Select One)
 Miami Key West FTL
 WPB FTP

New defendant(s) Yes No

Number of new defendants _____

Total number of counts _____

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) **No**
List language and/or dialect _____
4. This case will take 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)
I 0 to 5 days
II 6 to 10 days
III 11 to 20 days
IV 21 to 60 days
V 61 days and over

(Check only one)
Petty
Minor
Misdemeanor
Felony

6. Has this case previously been filed in this District Court? (Yes or No) **No**

If yes: Judge _____ Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) **No**

If yes: Magistrate Case No. _____

Related miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) **No**

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) **No**
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) **No**
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) **No**



Michael B. Homer

Assistant United States Attorney

Court ID No. A5502497

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: CHRISTOPHER DANIEL BURCEL

Case No: _____

Count #: 1

Conspiracy to Commit Health Care Fraud

Title 18, United States Code, Section 1349

***Max. Penalty:** Ten (10) Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: _____

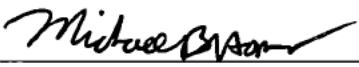
BOND RECOMMENDATION

DEFENDANT: CHRISTOPHER DANIEL BURCEL _____

\$25,000 personal surety bond

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By:



AUSA: Michael B. Homer

Last Known Address: _____

What Facility: _____

Agent(s): FBI SA Jonathan Bent
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)
Homeland Security Investigations, DHS

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.) Case No.
CHRISTOPHER DANIEL BURCEL,)

Defendant)

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title